



DEPARTMENT OF ADMINISTRATIVE SERVICES

TELECOMMUNICATIONS DIVISION

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DAVID C. EVANS
COMMISSIONER

GEORGE A. CHRISTENBERRY, JR.
DEPUTY COMMISSIONER

March 8, 1995

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Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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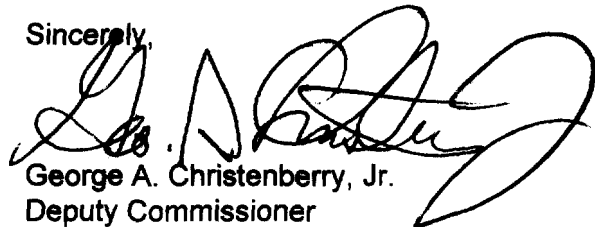
RE: CC Docket No 94-158, In the Matter of Amendment of Policies and Rules Concerning Operator Service Providers and Call Aggregators

Attached please find the original and four copies of the comments of the State of Georgia in the above referenced docket.

Nine additional copies are attached so that each Commissioner may have a copy of these comments.

Any questions about these comments may be directed to Frank Hill at (404) 656-2675.

Sincerely,



George A. Christenberry, Jr.
Deputy Commissioner

Attachment (original plus 13 copies)

cc: Georgia Department of Corrections

No. of Copies rec'd 0+13
List A B C D E

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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In the Matter of

Amendment of Policies and Rules
Concerning Operator Service
Providers and Call Aggregators

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CC Docket No. 94-158

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Comments of the State of Georgia, Department of Administrative Services, Telecommunications Division

1. The Telecommunications Division of the Department of Administrative Services (Division) is an operating unit of Georgia State Government. The Division is responsible for provisioning telecommunications services to all State Agencies, Boards, Commissions, Colleges, and Universities. These comments are submitted on behalf of Georgia State Government, including the Georgia Department of Corrections (GDOC). The State of Georgia has a vested interest in the outcome of this docket, by virtue of the approximately 4,300 pay telephones, including over 1,500 inmate-only telephones, installed in state facilities.

2. With regard to the first issue: "**Section 64.706 - Definition of "Consumer" when Branding Collect Calls**". We are in full accord with the Commission's intent to require call branding to both the caller and the billed party in the case of collect calls. This clarification of the existing rules will insure that the billed party, who is the real consumer of the service in this case, is provided with the required notification.

3. With regard to the second issue: "**Section 64.706 - Emergency Calls**". We respectfully suggest that the Commission does not fully understand how pay telephone service is provisioned in many cases, and in particular, the controls and capabilities that may or may not exist for the property owner (who by FCC definition is also the aggregator). In no case, for locations where pay telephone service is managed by the Division, does the Division have any direct control over the actual routing and handling of the call. This is true whether the call is an emergency call or a non-emergency call. The pay telephones are provided by a contractor, either a LEC (with interLATA calling provided by an IXC via a second contract) or a contractor who provides both the telephone

equipment and the local/long distance service. The contractor routes, handles, and completes the call for the customer (be it the calling or the called party) with no intervention from the State. In fact, the State does not see or touch the call. It is therefore impossible for the State to route and/or handle an emergency call. This function must be provided by the firm providing the local or long distance service, whether that be a LEC, an IXC, or an AOS. Given these facts, it is impossible for the aggregator to route the call to the appropriate emergency service in these cases. This responsibility should continue to remain with of the party who actually handles and routes the call.

With further regard to this issue, it appears that it may be the Commission's intent to require inmate-only telephones located in correctional institutions to be able to complete emergency calls. It would not be sound public policy, nor would it be in the public interest, for the Commission to do so. It would in fact be a disaster for both correctional facilities and emergency service providers. Given the capability to make emergency calls, inmates could easily overwhelm local 911 centers and other emergency service providers with crank and fraudulent calls to those numbers. All inmate-only lines in GDOC facilities are blocked from making calls to emergency services for this very reason.

4. With regard to the third issue: "**Notice of Inquiry: Treatment of Inmate-Only Telephones in Correctional Institutions**". The Commission was correct in its original decision in this matter several years ago, and that decision remains logical, correct, and the best public policy decision today. Nothing has changed since that decision that would give reason to change it. It is true that inmates are generally limited to making collect calls. In Georgia there is no mechanism of billing calls to or collecting for them from inmates; therefore if calls are to be made, they must be made as collect calls. There are also two other compelling reasons for these calls to continue to be made as collect calls.

a. The control and management of inmate calls is of significant concern to most if not all correctional institutions. This control and management is required to insure that fraudulent and/or harassing calls are not made, and that calls are not made for illegal purposes by inmate callers. For example, the systems used by the State of Georgia allow calls dialed by inmates to be screened against listings of both authorized and unauthorized numbers. Only calls on the authorized listing may be completed -- calls to numbers on the unauthorized calling list are blocked and in many cases reported to facility security. Examples of numbers which might appear on the

authorized calling list are the family of the inmate and his/her attorney. Examples of numbers which might appear on the unauthorized calling list are victims, judges, prosecutors, wardens, employees of the correctional facility, known drug dealers, etc. It is absolutely crucial to the safe and secure operation of the correctional facility that calls be controlled in this manner.

The fact is that the equipment and software which provide this calling control capability is expensive to purchase and expensive to operate. Even with the best of hardware and software, constant monitoring is required to insure that fraudulent and illegal use of the system is minimized. By partnering with a provider of the equipment and local/long distance calling service (be it LEC, IXC, AOS, or any combination thereof), it is possible to have this equipment installed at no cost to the institution, and therefore no cost to the state. The payoff for the system/service provider is that they receive the exclusive right to carry the collect calls made by the inmates.

In Georgia, and in many other states, the system/service provider is also contractually required to charge rates equal to or less than those which would be charged by the dominant carrier for the same type of call made at the same time/day. In other words, no greater than what AT&T would charge for the same interLATA call or no greater than what the LEC would charge for the same local/intraLATA call. We believe this treats the inmates fairly, allows the system/service provider to recapture its investment in hardware/software and operating costs, and saves the taxpayers of the State of Georgia significant additional costs in operating its correctional facilities.

b. The second reason is that these inmate telephones also generate commissions to the correctional facilities. In Georgia, again as in many other states, these commissions are used solely to fund programs which directly benefit the inmates. For example, over half of the commissions received by the GDOC are used to fund substance abuse and mental health programs for the inmates. These programs not only directly benefit the inmate, but they also indirectly benefit the inmate's family. The remainder of the commissions are invested in recreational facilities, educational materials and facilities, and other health, morale, and welfare programs for the inmates. Were it not for the commissions generated by the inmate calling programs it is likely that these beneficial programs would go unfunded, and therefore not be available to the inmates or their families at all.

We firmly believe that it would not be good public policy nor in the public interest for the Commission to treat inmate-only telephones in correctional institutions the same as pay telephones installed for public use, and therefore subject to the same aggregator rules as those public telephones, and we urge the Commission to continue their exclusion from the definition of aggregators.

4. With regard to the fourth issue: "Notice of Inquiry: Time Limit for Updating Consumer Information Posting on Aggregator Telephones". We agree with the Commission that ordering a specific time limit for updating consumer information on pay telephones is appropriate. In the case where the telephone instrument itself is replaced at the same time as the need for changing the information occurs, we believe that posting the new information should be immediate. Where the pay telephone instrument itself is not replaced we believe that the information should be changed as soon as possible, and within no more than 7 calendar days following the date of change to the OSP should be more than adequate time.